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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,791	09/12/2003	Masatoshi Kimura	031147	9302

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EXAMINER

CRIBBS, MALCOLM D

ART UNIT PAPER NUMBER

2115

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,791

Applicant(s)

KIMURA ET AL.

Examiner

Malcolm D. Cribbs

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-13, 19-22, 27-29, 32, 43-46, 52, 53, 56 and 57 is/are rejected.
- 7) ☒ Claim(s) 5-9, 14-18, 23-27, 30, 31, 38-42, 47-51, 54 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/12/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-57 are presented for examination.

5 ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10 **Claims 1, 10, and 34** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10, and 34, comprise a switching unit that connects them memory with
15 either the information processor or the gateway card, which indicates the memory can only be connected to the information processor or to the gateway card by the switch. However, the claims also comprise a switch control unit that connects the memory to the information processor or the gateway card to the information processor despite the switch only connecting the memory to the information processor or gateway card.
20 Therefore, claims 1, 10, and 34 are indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 1 recites the limitation "the memory" in the 4th line of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the gateway card" in the 8th line of page 14.

There is insufficient antecedent basis for this limitation in the claim.

5

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15 **Claims 1-4, 10-13, 19-22, 28-29, 32-37, 43-46, 52-53, and 56-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al [US Patent No. 6,122,713] [Hereinafter referred to as Huang] in view of Nakatsugawa [US Patent No. 6,138,165].

20 **As per claims 1-4, 10-13, 34-37**, Huang teaches the invention comprising:
a gateway card [Fig. 2, 122] that is connected to an information processor [Fig. 2, 160]
and that receives and transmits data between different networks [Fig 1, 106].

Huang does not teach a method of switching the connection of the memory
25 based on the processor being placed in a power saving mode. Specifically, Huang teaches the ability of switching the connection of the shared memory between the

processor and the interface card, wherein Huang does not specifically switch the connection to enable the processor to read or write data via the networks. However, Huang fails to detail the method used for switching the shared memory drive connection between the processor and the interface card. A routineer in the art would have been
5 motivated to look for a teaching for the possible method for switching the connection of the shared memory between the devices.

Nakatsugawa teaches another method of connecting a memory to a gateway. Nakatsugawa teaches a method of if when data is received the apparatus is in a
10 standby state [power saving mode] the data is stored in a memory [Col 12 line 66 – Col 13 line 6]. Therefore if the data were received while in a normal state the data would not be stored because the apparatus would already be enabled to read or write the data via the gateway.

15 It would have been obvious to one of ordinary skill in the art to combine the teachings of Huang and Nakatsugawa, which are analogous art, because they both teach a method of switching the connection of a memory connected between two devices. Nakatsugawa covers the deficiency of Huang by teaching in detail a method of switching the connection of the memory with the added benefit of enabling the
20 apparatus to read and write data via the network and storing received data when the gateway is in a standby mode with read and writing disabled.

As per claims 19-22, 28-29, 43-46, and 52-53, it is directed to the method of steps to implement the device as set forth in claims 1-4, 10-13, 34-37. Therefore, it is rejected for the same basis as set forth hereinabove.

5 **As per claims 32, 33, 56, and 57**, it is directed to the computer program to implement the device as set forth in claims 1-4, 10-13, 34-37. Therefore, it is rejected for the same basis as set forth hereinabove.

10 **Claims 5-9, 14-18, 23-27, 30-31, 38-42, 47-51, and 54-55** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not
20 mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Malcolm D Cribbs
Examiner
Art Unit 2115



September 27, 2006